

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR 1:18-03495-001 JCH
)	
DOUGLAS D. SMITH,)	
)	
Defendant.)	

SUPPLEMENTAL JUROR QUESTIONNAIRE

As a prospective juror in this case, you are being asked to fill out a questionnaire reflecting your personal attitudes and experience. We ask that you complete this questionnaire, to inform us of your present situation and the perspectives you bring to court at this time. The questions are asked not to invade your privacy, but to make sure that you can be a fair and impartial juror *in this particular case*, though questions contained in the questionnaire may have nothing to do with the facts of this case. If there is any reason why you might not be able to listen openly to both the prosecution and the defense, it is important that you say so.

The questionnaires will be viewed only by the judge, court personnel, and the legal teams for the prosecution and defense. At no time will they be made available to the media or the public.

There are no right or wrong answers, only complete and honest answers. Please respond to *each* question as honestly and completely as you can, based on your best understanding of the questions. Do not leave any questions blank. If a particular question does not apply to you, write "N/A" in the space provided for the answer. Upon completion of the

DEFENDANT'S
EXHIBIT

A

Juror Name

questionnaire, you are required to sign and date the Juror's Oath. Your answers will have the effect of a statement given to the Court under oath.

You should not discuss this case or the questionnaire with anyone, including your family and fellow jurors. Nor should you do any research in reference to this questionnaire. Research includes using the internet or any type of social media to attempt to find further information about this subject or case. Your answers must be your own. If you need more space for your responses, or wish to make further comments about any of your answers, please use the extra sheet at the back of the questionnaire. Thank you for your patience and honesty.

HONORABLE JUDITH C. HERRERA
U.S. DISTRICT COURT JUDGE

Juror Name _____

BACKGROUND:

1. Please tell us the following about your job. (If not currently employed, tell us about your last job.)

a. Where do you work?

b. How long have you worked there?

c. What are your job title(s) and duties:

2. Do you supervise others as part of your job? ☐ YES ☐ NO

3. Marital status:

_____ Married for _____ Years

_____ Divorced

_____ Separated

_____ Widowed

_____ Never Married

_____ Living with Someone for _____ Years

4. Spouse's or significant other's current occupation and employer:

5. If you have children or stepchildren, tell us the following, whether or not they are living in your household.

Gender	Age	Education Level	Occupation

Juror Name

6. If you have grandchildren, please tell us how many, their ages and occupations, if employed:

Number of Male(s):__

Age	Occupation

Number of Female(s):__

Age	Occupation

7. If you, or a close relative, have had military experience, indicate who (relation to you), the branch of service, and rank at discharge:

a. Who (relation to you)? _____

b. What special schools or training did they receive?

c. Did they see or participate in combat? ☐YES ☐NO If YES, please explain circumstances.

8. If you attended college or vocational school, please tell us:

Major areas of study: _____

What degrees or certificates did you earn? _____

Juror Name

9. Have you ever taken any courses or had any training in the following areas:

☐ Law ☐ Law Enforcement ☐ Criminology/Penology ☐ Investigation
☐ Forensics ☐ Any health related field ☐ Psychology/Social Work

Please describe:

10. Have you, or any friends, relatives or acquaintances applied, worked or volunteered for any regulatory or law enforcement agency, which has as a part of its responsibilities the enforcement of any state or federal laws? ☐YES ☐NO

If YES, please state what type of law enforcement, where and when, in what capacity and in what specialty.

Type	Where	When	Capacity/Specialty

11. Have you or any relatives, friends or acquaintances ever worked in a prison, jail, detention center or for probation services? ☐YES ☐NO

If YES, please state who, where, when and circumstances.

Who	Where	When	Circumstances

12. What religious, civic, social, union, professional, fraternal, political or recreational organizations have you joined or participated in, and what offices, if any, have you held in these organizations?

Juror Name _____

13. In what ways, if at all, might your religious view or philosophical beliefs affect your service as a juror?

14. Are you currently affiliated with a political party? ☐YES ☐NO How? _____

15. How do you keep up with the news? (Check all that apply)

____ Radio _____ Television _____ Newspaper ____ Internet web/blogs/Twitter/Facebook
____ Magazines _____ Other _____

16. Which newspapers do you read, either in print or on line?

How often? (check one)

_____ Regularly _____ Somewhat _____ A little _____ Not at all

- a. Which parts of the newspaper do you read regularly?

17. Do you regularly listen to or watch any radio or television news or talk shows?

☐YES ☐NO If YES, which ones?

- a. What Internet or web sites do you frequent?

Juror Name _____

- b. Have you ever had a blog or followed a blog? ☐YES ☐NO

If Yes, what was your blog?

- c. Do you regularly comment on blogs? ☐YES ☐NO

FIREARMS

18. Do you own any weapons? ☐YES ☐NO

If YES, what type(s) of weapons do you own?

CRIME AND GANGS:

19. How big a problem is crime in your neighborhood?

20. What types of crime seems most common?

21. Are property crimes a problem in your neighborhood? ☐YES ☐NO

22. If property crime is a problem in your neighborhood, what do you think is a cause of that problem?

23. What is a solution?

24. Have you, or anyone close to you, been the victim or witness of a crime, reported or not?

☐VICTIM ☐WITNESS ☐NEITHER

If YES, please explain who (relation to you), when, and what happened

Juror Name

a. Was anyone arrested? ☐ YES ☐ NO

b. What was the outcome of the case?

c. If there was a trial, did you/they testify? ☐ YES ☐ NO

d. Do you think justice was served? ☐ YES ☐ NO Why or why not?

CRIMINAL JUSTICE EXPERIENCE

25. Have you, any family members or close friends called, been interviewed by, or made a report to the police, the FBI, or any other local, state or, federal law enforcement agency?

☐ YES ☐ NO

If YES, please explain circumstances:

26. Would you describe your experience with law enforcement, which includes local police, FBI, or corrections/prison officials as positive _____ or negative _____ (Check one and explain)
-
-
-

27. Would you be more likely to believe a law enforcement officer, including an FBI agent, over any other witness in a court of law? ☐ YES ☐ NO Why or why not?
-
-
-

28. Do you believe law enforcement officers, including FBI or local law enforcement are more likely to be truthful on the witness stand? ☐ YES ☐ NO Why or why not?
-
-
-

Juror Name _____

29. Have you ever been in a situation in which you felt like you, or someone you know, were in physical danger or feared being hurt? ☐ YES ☐ NO If YES, please describe:

30. Have you, or anyone close to you, ever been threatened with a weapon, including a knife or firearm? ☐ YES ☐ NO If YES, describe the situation(s) and the weapon(s).

CRIMINAL JUSTICE SYSTEM:

31. The judge will instruct you that the burden is on the prosecution to prove beyond a reasonable doubt that the defendant is guilty; it is not for the defense to prove that the defendant is not guilty. If, after hearing the evidence, you thought the defendant could be guilty, but you were not convinced beyond a reasonable doubt, would you be able to return a verdict of not guilty? ☐ YES ☐ NO
If NO, why not?

32. A person accused of a crime does not have to testify in his defense, and his silence may not be considered as evidence against him. How do you feel about that?

33. Do you know any employee of the Office of the United States Attorney for the District of New Mexico, or have you had any dealings with that office? ☐ YES ☐ NO
If YES, please explain:

34. Have you served on a jury ☐ YES ☐ NO If yes, please Indicate

a. State ☐ Civil ☐ Criminal
Date(s) _____

Juror Name _____

b. Federal ☐ Civil ☐ Criminal

Date(s) _____

c. ☐ Federal Grand Jury

Date(s) _____

d. Briefly describe the nature of the case(s):

e. Was your jury able to reach a verdict? ☐ YES ☐ NO If NO, please explain:

f. Were you ever the foreperson? ☐ YES ☐ NO If YES, number of times _____g. Is there anything about your prior jury service that might make it difficult for you to serve again? ☐ YES ☐ NO If YES, please explain.

35. Have you, any family members or close friends ever been an attorney, or ever worked for any private attorney, city or town attorney, District Attorney, state Attorney General, U.S. Attorney or in a courthouse? ☐ YES ☐ NO If YES, please state:

Who	Where	When	In what capacity

NATURE OF EVIDENCE AND CHARGED CRIMES:

36. Do you know that New Mexico is a stand your ground state? ☐ YES ☐ NO
What does that mean to you?

Juror Name _____

37. If a homeowner is allowed to use deadly force to defend themselves or their property would you honor that law when you are deliberating in this matter. ☐YES ☐NO Please explain.

JURY SERVICE

38. Do you agree that every juror is entitled to hold his or her own opinions and that differences in individual opinions should be respected ? ☐YES ☐NO

- a. Will you expect to be treated with dignity and respect during jury deliberations?
☐YES ☐NO
- b. And will you likewise treat your fellow jurors with dignity and respect, even if you do not share their view? ☐YES ☐NO
- c. Will you stand up for the right of every juror to vote their decisions in the manner they feel is appropriate, even if other jurors disagree with their "vote"? ☐YES ☐NO
- d. Please explain what you feel it means to you to respect your fellow jurors:

39. Do you have any health problems that might make it difficult for you to sit as a juror in this case? ☐YES ☐NO If YES, please explain:

40. Are you taking any medications, which might make it difficult for you to sit and listen attentively to testimony for hours at a time? ☐YES ☐NO If YES, please state the medication(s) and the effect on you.

41. Is there any matter, including your past jury service, that may interfere with your duty as a juror to listen with an open mind to the evidence in this case and render an impartial verdict based solely on the evidence (*or lack thereof*) and the judge's instructions on the law?

☐YES ☐NO If YES, please explain:

Juror Name

42. The trial in this case is expected to last approximately one to two weeks in Albuquerque, New Mexico. Is there anything about the approximate length of time that would not allow you to serve on this jury? ☐YES ☐NO If YES, please explain:

COVID QUESTIONS

43. Do you have any medical diagnoses or other condition (age, compromised immune system, etc.) that puts you at a higher risk of experiencing severe illness or death from COVID-19? ☐YES ☐NO If YES, please explain:

44. Do you live with anyone that is at a higher risk of experiencing severe illness or death from COVID-19? ☐YES ☐NO If YES, please explain:

45. On a scale of 1-10 (1 being no fear and 10 being extreme fear) what level of fear do you currently have regarding the global COVID-19 pandemic? CIRCLE ONE

1 2 3 4 5 6 7 8 9 10

46. Do you believe that you would be more likely to contract COVID-19 by being in the courthouse? ☐YES ☐NO

47. Does the sound of someone in the room coughing or sneezing trigger concerns that you might contract COVID-19 from them? ☐YES ☐NO

48. If you were compelled to come into the courthouse or sit on the jury, how afraid would you be on a scale of 1-10 (1 being no fear and 10 being extreme fear) that you would expose other people in your household to the COVID-19 virus? CIRCLE ONE

Juror Name

1 2 3 4 5 6 7 8 9 10

49. Do you believe it is safe to hold jury trials at this time? ☐YES ☐NO
50. Would you blame the defendant for having to attend a public hearing during the COVID-pandemic? ☐YES ☐NO
51. Are you willing to abide by any rules the Court instructs you to follow regarding social distancing during trial if you are selected as a juror? ☐YES ☐NO
52. Do you have any opposition to wearing a face mask during trial? ☐YES ☐NO
53. Do you have any concerns about the witnesses wearing a mask? ☐YES ☐NO If YES, please explain:

54. How would you feel if the witnesses did not wear a mask when they testify?

55. Do you have any concerns about the witnesses not wearing a mask? ☐YES ☐NO If YES, please explain:

56. Are you willing to notify the Court immediately if, during trial, you experience symptoms of COVID-19 or are exposed to anyone feeling ill? ☐YES ☐NO
57. Would you feel pressure to reach a verdict quickly to avoid exposure to COVID-19?
☐YES ☐NO
58. Would you be distracted during the presentation of evidence by a fear of contracting COVID-19? ☐YES ☐NO
59. Would you change your verdict to agree with others, or compromise with other jurors, in order to end deliberations faster so you could leave the courthouse sooner, based on any fear of COVID-19? ☐YES ☐NO

Juror Name

60. If you see a person wearing a mask in a public place, such as the grocery store, what are your thoughts about that person?

61. If you see a person in a public place and he or she is not wearing a mask, what are your thoughts about that person?

62. Should wearing a mask in public be something that is a personal choice? ☐YES ☐NO
Please explain:

63. Have you recently experienced a change in your employment status? ☐YES ☐NO

64. If you have children, do you have arrangements for child care? ☐YES ☐NO If YES, do you feel safe leaving your children in the care of others during the COVID-19 pandemic?

65. How do you feel about the current mandates concerning COVID-19?

66. Will you comply with the COVID-19 related mandates while in the courtroom and during the duration of trial? ☐YES ☐NO

67. Do you consider yourself at higher risk for contracting COVID-19, based on your job, or for any other reason? ☐YES ☐NO. If YES, please explain:

68. Do you live with anyone who is at higher risk for contracting COVID-19, based on his or her job, or for any other reason? ☐YES ☐NO

Juror Name

JUROR'S OATH

I affirm under penalty of law that I have answered truthfully and completely all questions in this questionnaire. I further declare that I have completed this questionnaire without anyone's assistance.

Signature _____

JUROR'S NAME (Please print)

DATE _____

Please use this space to complete any answers to questions in the questionnaire. Indicate the number of the question, before continuing with your full answer.